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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,559	07/22/1999	Donald F. Gordon	533/070 cip1	2976

7590 07/03/2002

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/359,559

Applicant(s)

GORDON ET AL. 

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:  
Applicant should supply the missing serial number with reference to the application cited on page 6.

Appropriate correction is required.

2. Claims 26-28 are objected to because of the following informalities: It appears that the word "to" is missing between the phrase "splicing reassemble" (line 16 of claim 26). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

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being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 7-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Terasawa et al. (US 6,147,714).

Regarding claim 1, Terasawa et al. discloses a system for generating and using an interactive user interface comprising:

a head end for generating a bitstream representing an encoded user interface;  
a distribution network coupled to the head end; and subscriber equipment, coupled to the distribution network, for decoding and displaying the user interface (see figure 1, figure 23).

Regarding claim 2, Terasawa et al. discloses the head end comprises:  
a user interface generator for producing the bitstream; and a modulator (see figure 1).

Regarding claim 3, Terasawa et al. discloses the user interface generator comprises a user interface source and an encoder (see figure 1).

Regarding claim 4, Terasawa et al. discloses the user interface source comprises: a video source, a graphic source (see figure 1). Inherently, the interface source also comprises a overlay source for graphic formatting.

Regarding claim 5, Terasawa et al. discloses the user interface generator produces a plurality of bitstreams and further comprises a multiplexer for assigning bitstream identifiers to each of the bitstreams in the plurality of bitstreams (see figure 1, figures 15-18).

Regarding claim 7, Terasawa et al. discloses the subscriber equipment comprises: a demodulator 22; a demultiplexer 24; and a decoders 25 and 26 (see figure 23).

Regarding claim 8, Terasawa et al. discloses a method of generating and using an interactive user interface comprising the steps of:  
generating, within a head end of an information distribution system, a bitstream representing an encoded user interface;  
broadcasting the encoded user interface;  
receiving the encoded user interface; and  
decoding and displaying the user interface (see figure 1 and figure 23).

Regarding claim 9, Terasawa et al. discloses the generating step further comprises the steps of:

producing a video signal representing a user interface;  
encoding the video signal to produce the bitstream; and  
modulating the bitstream into a format for transmission (see figure 1).

Regarding claim 10, Terasawa et al. discloses the video signal is a composite of a video image and a graphics image (see figure 1).

Regarding claim 11, Terasawa et al. discloses the step of assigning a bitstream identifier value to the bitstream (see figure 15).

Regarding claim 12, Terasawa et al. discloses the steps of:  
producing a plurality of video signals representing a plurality of user interfaces;  
encoding the video signals to produce a plurality of bitstreams; and  
arranging the bitstreams into at least one transport stream; and  
modulating the at least one transport stream into a format for transmission (see figure 1).

Regarding claim 13, Terasawa et al. discloses at least one transport stream comprises a system stream that contains a plurality of transport stream (see figures 1, 14-16).

Regarding claim 14, Terasawa et al. discloses the decoding step further comprises the steps of:  
extracting a bitstream form a transport stream;  
decoding the bitstream to produce a user interface (see figure 23).

Regarding claim 15, Terasawa et al. discloses the extracting step further comprises the step of identifying the bitstream to be extracted by a bitstream identifier value (see figures 15-18, 23).

Regarding claim 16, Terasawa et al. discloses the steps of:  
selecting an object within user interface;  
sending a signal to the head end in response to the selection of the object; and  
causing an event to occur within the head end in response to the signal (see figures 34 and 39).

Regarding claim 17, Terasawa et al. discloses the event is one or more of tuning the subscriber equipment to an analog channel, tuning subscriber to a digital channel, causing a locally resident to occur (see figure 39, figure 40).

Regarding claim 18, Terasawa discloses a method comprising the steps of:

generating, within the head end of an information distribution system, a transport stream that contains a plurality of bitstreams representing a plurality of encoded user interfaces; broadcasting the transport stream;  
receiving the transport stream;  
extracting from the transport stream a select bitstream; and  
decoding and displaying the select bitstream to produce the user interface (see fig. 1, fig. 15, fig. 27, fig. 30, fig. 31).

Regarding claim 19, Terasawa et al. discloses selecting, in a first user interface, an object that identifies the select bitstream;

decoding the select bitstreams without resetting a buffer in a decoder (see fig. 29, fig. 30).

Regarding claim 20, Terasawa et al. discloses producing an overlay graphic for selectively emphasizing objects within the user interface (see figure 36).

Regarding claim 21, Terasawa et al. discloses selecting the emphasized object to change the context of the system from a user interface context (see figures 35-37).

Regarding claim 22, Terasawa et al. discloses the context is changed to a pay per view movie context, a broadcast television context, a preview context or a sale context (see 37).



Regarding claim 23, Terasawa et al. discloses changing the context cause the decoder to extract a different bitstream for decoding (see figure 30).

Regarding claim 24, Terasawa et al. discloses decoding an audio bitstream that is associated with a video region of the user interface (see figure 23).

Regarding claim 25, Terasawa et al. discloses the audio is continuous through transitions to other user interface (see figures 23 and 29).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al. (US 6,147,714) as applied to claim 1 above, and in view of McLaren (US 5,867,208).

Regarding claim 6, Terasawa et al. discloses a system as discussed in the rejection of claim 1. However, Terasawa et al. does not disclose the distribution network is a hybrid fiber-coax network.

McLaren discloses the distribution network is a hybrid fiber-coax network (see col. 5, lines 52-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa et al. to provide a hybrid fiber-coax network for transmission as taught by McLaren in order to avoid unnecessary interruption during channel switching.

6. Claims 26 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al. (US 6,147,714) in view of Civanlar et al. (US 5,623,308).

Regarding claim 26, Terasawa et al. discloses a method as discussed in the rejection of claim 18. Terasawa et al. further discloses transmitting programs in different motions (see col. 14, lines 53-65). However, Terasawa et al. fails to disclose encoding a user interface using slice based encoding to produce a plurality of bitstreams where each bitstream represents a different portion of the user interface; and performing slice based splicing to reassemble the user interface from the decoded portions.

Civanlar et al. discloses encoding a user interface using slice based encoding to produce a plurality of bitstreams where each bitstream represents a different portion of

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the user interface (see figure 3); and performing slice based splicing to reassemble the user interface from the decoded portions (see figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa et al. with a method of slice based encoding and performing slice based splicing as taught by Civanlar et al. in order to increase efficiency of the system.

Regarding claim 27, Civanlar et al. discloses each bitstream is assigned a separate program identification value (see figures 3 and 5).

Regarding claim 28, Civanlar et al. discloses each portion of the user interface contains different rate of motion (see col. 4, lines 14-39).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Imanaka** (US 5,790,172) discloses server apparatus, subscriber apparatus and information demand system.

**Chimoto et al.** (US 5,838,383) discloses system for encoding the digital signals, transmitting though network transmission to receiver and displaying on the display.

**Eyer et al.** (US 6,160,545) discloses multi-regional interactive program guide for television.

**Dureau et al.** discloses method and apparatus for seamless connectivity of interactive wide-band network and narrow band network.

**Coleman et al.** (US 5,844,620) discloses method and apparatus for displaying an interactive television program guide.

**Arazi et al.** (US 5,966,120) discloses method and apparatus for combining and distribution data with pre-formatted real time video.

**Kikuchi et al.** (US 5,719,646) discloses method and apparatus for decoding coded moving picture and outputting it with suppressed error.

**Shoff et al.** (US 6,240,555) discloses interactive entertainment system for presenting supplemental interactive content together with continuous video programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
June 28, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
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